

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV15-1801 PSG (AJWx)	Date	July 18, 2016
Title	Jonathan Retta, <i>et al.</i> v. Millennium Products, Inc., <i>et al.</i>		

Present: The Honorable	Philip S. Gutierrez, United States District Judge		
Wendy Hernandez		Not Reported	
Deputy Clerk		Court Reporter	
Attorneys Present for Plaintiff(s):		Attorneys Present for Defendant(s):	
Not Present		Not Present	

**Proceedings (In Chambers):    Order MOOTING the Motion to Dismiss and Vacating the Hearing Date**

On April 7, 2016, Defendant Whole Foods Market, Inc. (“Whole Foods”) filed a motion to dismiss Plaintiffs’ Fourth Amended Complaint. Dkt. # 59. Hearing is set for July 25, 2016. Dkt. # 62. With Whole Foods’ permission, Plaintiff filed a Fifth Amended Complaint on June 22, 2016. Dkts. # 67, 68. Whole Foods has now filed a motion to dismiss the Fifth Amended Complaint, set for hearing on September 12, 2016. Dkt. # 74. Accordingly, the Court finds that Defendants’ motion to dismiss the Fourth Amended Complaint has been RENDERED MOOT. The July 25, 2016 hearing date is therefore VACATED.

**IT IS SO ORDERED.**